IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 5430 of 2000

Between:

Magunti Lakshmi, W/o.Maganti Satyanarayana, Hindu
R/o.D.No.189/A, 3 A.P.S.P. Post,
Teacher's Colony, Kakinada.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep.by its Principal Secretary,
Home(Prisons-C) Department, A.P. Secretariat,
Hyderabad.
2 Inspector general of Prisons & Director of Correctional Serv

Chenchalguda, Hyderabad.
3 The Superintendent, Central Prison,
Rajahmundry, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may pleased to issue an appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to release husband of the Petitioner Sri M. Satyanarayana, Convict No.709, Rajahmundry Central prison, by giving benefit under clause (a) of para 1 of G.O.Ms.No.18, Home (Prisons-C) Department, dt.25.1.2000 and pass such other or further order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.V.S.SAI KUMAR

Counsel for the Respondents: GP FOR HOME

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.5430 OF 2000

ORDER:

The petitioner seeks a writ of Mandamus directing the respondents to give the benefit of the orders of the Government vide G.O.Ms.No.18, Home (Prisons-C) Department, dated 25.01.2000 to her husband. The petitioner's husband was sentenced with life imprisonment on 02.12.1981 and was lodged in Central Prison, Rajahmundry as convict No.709. On the eve of 50th anniversary of India becoming Republic, the Government of Andhra Pradesh in Home Department ordered to remit the unexpired residue of sentence of different categories of prisoners subject to certain conditions. The petitioner contends that her husband is entitled for the benefit under para 1(A) of the said G.O. In that, he is to be released as he has undergone seven (7) years of actual sentence as on 26.01.2000.

The Additional Inspector General of Prisons filed counter affidavit opposing the writ petition. *Inter alia,* it is stated that as the petitioner's husband falls within the prohibited category under para 3(6) having overstayed parole, he is not entitled for the benefit under G.O.Ms.No.18 dated 25.01.2000. It is further stated that the petitioner's husband was released on parole on 05.09.1983 for a period of one month with orders to surrender to prison on 05.10.1983, he overstayed the parole period and ultimately he was arrested by the police on 13.12.1993 and brought back to Central Prison, Rajahmundry.

The petitioner has not filed any reply affidavit denying the counter averments. As per para 3(6) of the G.O.Ms.No.18, dated 25.01.2000, prisoners overstayed on parole for cumulative period in excess of 10 years are not entitled for remission of the sentence as per G.O.Ms.No.18 dated 25.01.2000. In that view of the matter, the petitioner has no right that can be enforced in these proceedings under Article 226 of the

Constitution of India.

The writ petition is devoid of merits and is accordingly dismissed. There shall be no order as to costs.

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(V.V.S.RAO,J)

09.06.2005.

pln

To

1 The Principal Secretary, Government of Andhra Pradesh,
Home (Prisons-C) Department, A.P. Secretariat, Hyderabad.
2 Inspector general of Prisons & Director of Correctional Serv

Chenchalguda, Hyderabad.
3 The Superintendent, Central Prison,
Rajahmundry, East Godavari District.

4 2 CCs to the G.P. for Home, High Court Buildings, Hyderabad (OUT).

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